

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES,)	
)	
Movant,)	
)	
v.)	No.
)	
SOLYNDRA LLC,)	
360 DEGREE SOLAR HOLDINGS,)	
INC.,)	
)	
Respondents.)	

UNITED STATES' MOTION FOR STAY

The United States has filed an appeal of the Order Confirming Debtors' Amended Joint Chapter 11 Plan (the "Confirmation Order") in the bankruptcy case *In re Solyndra, LLC*, No. 1:11-bk-12799. The Confirmation Order provides for a 10-day stay, through November 1, 2012, pending a further entry of stay by the District Court. The United States now moves this Court for a further stay of the Confirmation Order. The United States seeks a further stay of the Confirmation Order because, without a stay, the United States' pending appeal risks the possibility of being rendered moot under the doctrine of equitable mootness.

Pursuant to Local Rule 7.1.1, counsel for the United States avers that a reasonable effort was made to reach agreement with the opposing parties on the matters set forth in this motion, and that the opposing parties would only agree to a temporary stay

through November 5, 2012.¹ A memorandum in support of this motion and a proposed order are attached herewith.

November 1, 2012

KATHRYN KENEALLY
Assistant Attorney General

CHARLES M. OBERLY, III
United States Attorney

ELLEN W. SLIGHTS
Assistant U.S. Attorney

/s/ Anne E. Oliver
ANNE E. OLIVER
Attorney, Tax Division
U.S. Department of Justice
P.O. Box 403
Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) 616-9806
Facsimile: (202) 514-6866
Email: Anne.E.Oliver@usdoj.gov

¹The United States is separately filing a motion for interim stay seeking a temporary, but immediate stay while the Court considers this motion for stay.

CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2012, a true and correct copy of the foregoing United States' Motion for Stay, Memorandum in support, and proposed Order were served via electronic mail upon the following:

Bruce Grohsgal
Debra Grassgreen
Maxim B. Litvak
James E. O'Neill
Pachulski, Stang, Ziehl Young & Jones
bgrohsgal@pszyjlaw.com
dgrassgreen@pszyjlaw.com
mlitvak@pszyjlaw.com
jo'neill@pszyjlaw.com

Matthew K. Kelsey
Michael A. Rosenthal
J. Eric Wise
Robert B. Krakow
Gibson, Dunn & Crutcher LLP
mkelsey@gibsondunn.com
mrosenthal@gibsondunn.com
ewise@gibsondunn.com
bkrakow@gibsondunn.com

Sean Matthew Beach
Young, Conaway, Stargatt & Taylor
sbeach@ycst.com

Bonnie Glantz Fatell
David W. Carickhoff
Blank Rome LLP
fatell@blankrome.com
carickhoff@blankrome.com

/s/ Anne E. Oliver
ANNE E. OLIVER